

In re Patent Application of

Masahito NIIKAWA

Application No.: 09/291,066

Filing Date: April 14, 1999

Title: PHOTOGRAPHING APPARATUS HAVING DISPLAY FOR DISPLAY OF A NETWORK AND NETWORK SYSTEM



Response under 37 C.F.R. 1.116
Expedited Procedure MAIL STOP: AF
Examining Group No.: 2612

Group Art Unit: 2612

Examiner: James M. Hannett

Confirmation No.: 1637

AMENDMENT/REPLY TRANSMITTAL LETTER

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MAR 26 2004

Technology Center 2600

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- Terminal Disclaimer(s) and the \$55.00 (2814) \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are _____

- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$385.00 (2801) \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted _____

on _____
for which continued examination is requested.

- Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	18	MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	5	MINUS 5 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

A check in the amount of _____ is enclosed for the fee due.

Charge _____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

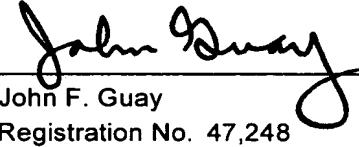
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: March 24, 2004

By


John F. Guay
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3-29-04
P.R.



**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group No.: 2612**

Patent
Attorney's Docket No. 032567-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

) **Mail Stop AF**

Masahito NIIKAWA

) **Group Art Unit: 2612**

Application No.: 09/291,066

) **Examiner: J.M. Hannett**

Filed: April 14, 1999

) **Confirmation No.: 1637**

For: **PHOTOGRAPHING APPARATUS
HAVING DISPLAY FOR DISPLAY
OF A NETWORK AND NETWORK
SYSTEM**

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Technology Center 2600

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated January 2, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims.

In the most recent Office Action, the rejection of all pending claims under 35 U.S.C. § 103 was maintained, as being unpatentable in view of U.S. Patent No. 6,141,052 to *Fukumitsu et al.* In setting forth the rejection based upon this reference, the Office Action maintained its interpretation that term "photographing apparatus" broadly encompasses a camera (i.e., CCD camera 18) connected to a computer (i.e., computer 10), as disclosed in the *Fukumitsu et al.* patent. Additionally, the Office Action contends that the CCD camera 18/computer 10 combination of *Fukumitsu et al.* acts as a peripheral device because it is connected to a processor of another computer on a network. It is respectfully submitted, however, that this interpretation of "peripheral device" is not reasonable in light of the plain, ordinary meaning of this term in the field of the present invention.

As explained in *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed Cir. 1997), "the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise what may be afforded by the written description contained in the applicant's specification." Thus, in the context of the present invention, this axiom involves constructing a reasonable meaning of the term "peripheral device" by looking to the plain, ordinary and accepted meaning this term has to a person of ordinary skill in the particular field of the invention and to any description of this term otherwise provided in the specification.

The field of the present invention relates to a photographing apparatus connectable to a network, and to a network system to which a photographing apparatus is connected. (See page 1, lines 8-11.) For instance, examples of the invention described in the specification include a photographing apparatus (e.g., a camera) connected as a peripheral device to a processor (e.g., a processor of a computer) on a network. (See, for example, the specification, page 2, lines 10-12 and pages 14-16, and Figure 5.) While the specification describes examples of a photographing apparatus connected to a processor as a peripheral device, it does not provide an explicit definition of this term. The meaning given to this term in the field of the invention is found, for example, in the Microsoft Computer Dictionary, which defines a "peripheral device" as a device, such as a disk drive, printer, modem, or joystick, that is connected to a computer and controlled by the computer's microprocessor (see Microsoft Computer Dictionary, 3rd ed., page 360, attached herewith). Applicant respectfully submits that this definition is representative of the plain, ordinary meaning of this term in the context of the present invention.

When considering the term "peripheral device" in connection with the *Fukumitsu* patent, the camera 18 would be understood by one skilled in the art to be a peripheral device because it is connected to the computer 10 (via a circuit board of the computer 10) (see, for example, column 3, lines 40-42) and is controlled by the CPU of the computer (see column 1, lines 36-37 and column 3, lines 8-9). Hence, the term photographing apparatus recited in the

claims can only be interpreted to read on the CCD camera 18 of the *Fukumitsu* patent, and not the camera/computer combination, as alleged in the Office Action.

As Applicant pointed out Amendment dated September 29, 2003, a photographing apparatus, in the context of the present invention, is not a component of a personal computer or other processing device that forms a node on the network. Rather, the photographing apparatus is a separate structure that is connected as a "peripheral device," within the normal meaning of this term in the art, to a processor that forms a network node. The *Fukumitsu et al.* patent does not suggest an arrangement of the type recited in the claims. For instance, the CCD camera 18 does not include, among other elements, a display for displaying a network structure, as recited in each of the independent claims.

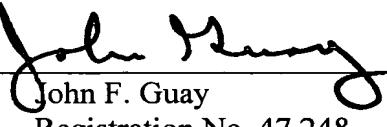
Furthermore, it is respectfully submitted that the Examiner's interpretation that the computer/CCD camera combination is connected *as a peripheral device* to a processor in one of the other computers on a network is based on an unreasonable interpretation of the independent claims. As pointed out above, a peripheral device, as used in the context of the present invention, denotes that the photographing apparatus is distinct from the computer, or other processing device, is connected to the computer's processor or other processor, and is controlled by the processor. The *Fukumitsu* patent, by contrast, does not teach or suggest that the computer/CCD camera combination is controlled by some processor of another computer on a network, within the plain, ordinary meaning of a peripheral device in the field of the invention. It is respectfully submitted, therefore, that the *Fukumitsu et al.* patent does not suggest an arrangement in which some other processor on a network controls the camera/computer combination such that the combination could be considered a peripheral device within the ordinary meaning of its usage in the field of the invention. For instance, column 4, lines 50-55 of *Fukumitsu et al.*, which the Office Action relies on for teaching the network nodes including processors of other computers on the network, does not mention or suggest, within the meaning of a peripheral device, that any of these other processors control the CCD camera 18 and computer 10 combination.

For the foregoing reasons, it is respectfully submitted that all pending claims are patentably distinct from the *Fukumitsu et al.* patent. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 24, 2004

By: 

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